

REMARKS

Claims 26, 28-32, 34-39, 41-45 and 47-51 are in this application and are presented for consideration. By this Amendment, Applicant has amended claims 26, 32, 39 and 45.

Claims 26, 28-32, 34-39, 41-45 and 47-51 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Applicant has amended the claims paying close attention to the Examiner's remarks. Applicant would like to thank the Examiner for the helpful comments. Applicant has amended claims 26, 32, 39 and 45 to provide that the purity of the monoazo metal complex compound containing colorant composition is not less than 90% as determined by separation of the colorant composition by high performance liquid chromatography, wherein the purity corresponds to the peak area percent of the monoazo metal complex using detection at 313 nm. Claim 45 has been amended to delete the phrase "high safety to the human body and low incidence of skin sensitization". It is Applicant's position that the claims as now presented are clear and satisfy the requirements of the statute.

The Office Action states that the use of the use of the sensitization potential tests based on the maximization method requires the protocol described in the specification on page 9, lines 3-15 for this test. Applicant does not have any particular objection to the Examiner's interpretation. Applicant also does not object to the Examiner's interpretation regarding the use of "consisting essentially of".

Claims 26, 28, 29, 32, 34, 35, 39, 41, 42, 45, 47 and 48 have been rejected under 35

U.S.C. 102(e) as being anticipated by Koshida et al. (US 7,053,140).

Applicant respectfully traverses the rejection as Koshida et al. is not a proper prior art reference. Koshida et al. has a filing date of November 13, 2000. The present application is a divisional application of Application 09/871,539, which was filed on May 31, 2001 and claims the benefit of JP 2000-163222 filed May 31, 2000. As such, the present application also has a priority date of May 31, 2000 which is earlier than the November 13, 2000 filing date of Koshida et al. Accordingly, Koshida et al. is not a proper prior art reference under 35 U.S.C. 102(e) since the priority date of the present application precedes the filing date of Koshida et al. Although English translations were filed in the parent application, Applicant again encloses new English translations of the priority documents. Accordingly, Applicant respectfully requests that the Examiner remove the rejection.

Claims 30, 31, 36, 37, 43, 44, 49 and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Koshida et al.

As discussed above, the present application has a foreign priority date that precedes the filing date of Koshida et al. As such, Koshida et al. is not a proper prior art reference. Accordingly, Applicant respectfully requests that the Examiner remove the rejection.

Favorable action on the merits is requested.

Respectfully submitted
for Applicant,



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Attached: English translations of the priority documents

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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
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